IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13316 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHIKHABHAI NATHABHAI - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR JR NANAVATI for Petitioner(s) : 1,
MR. MR MENGDEY ASST. GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 15/09/2005

ORAL JUDGMENT

1.Rule. Shri M.R.Mengdey, learned AGP waives service of Rule on behalf of respondents.

2.With the consent of the learned advocates appearing on behalf of the parties the matter is taken up for final

hearing today.

3. In this petition under Article 226 of the Constitution, the petitioner has challenged the legality and validity of the order passed by the Revenue Department, State of Gujarat, Gandhinagar dated 4.4.1994 in not granting the exemption under Section 20 of the Urban Land (Ceiling and Regulations) Act. It appears from the record that during the pendency of the present Special Civil Application, ad-interim relief was granted by this Court restraining the respondent Nos.1 and 2-Competent Authority and the Deputy Collector, U.L.C., Rajkot from the proceedings of the case No. ULC 6(1) 2209 of 1976. An affidavit-in-reply is filed on behalf of the State by one of the Additional Collector and C.A., U.L.C., Rajkot dated 29th August, 2005 which is produced today, which is directed to be taken on record, and in paragraph-6 it is observed as under :-

> “I further say and submit that after issuance of draft statement under section:8(3) of the U.L.C. Act, no proceeding has been taken place,or initiated by the competent authority, because the application under section:20 of the ULC Act was pending before the State Government. Thereafter, the decision has been taken by the State Government which has been challenged before this Hon'ble Court. This Hon'ble Court passed order on 23.01.1995 and stay has been granted and till today the possession of the disputed land (i.e the land admeasuring 12 Acres & 28 Gunthas of

survey No:221/1 A of village Raiya) has not been taken by the competent authority."

In view of the fact that the possession is not taken over by the State Government, under the provision of Urban Land (Ceiling and Regulations) Repeal Act, 1999, more particularly, Section 4 of the Repeal Act, the proceedings are abated. Hence, the present petition is disposed of as having been abated in view of the Repeal Act, 1999.

Rule is made absolute to the aforesaid extent, however, there will be no order as to costs.

(M.R.SHAH, J.)

kdc.